



## GREENFIELD UNION SCHOOL DISTRICT

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VIA ECFS

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
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**Supplement to Request for Review/Waiver  
Original Filing Dated April 14, 2011**

Billed Entity Name: Greenfield Union School District  
Funding Year 2007 (July 1, 2007 – June 30, 2008)  
Form 471 Application Number: 570791  
Billed Entity Number: 143940  
FCC Registration Number: 0013022488  
Funding Request Numbers: 1575898 (JV) and 1575926 (Serban)

Greenfield Unified School District ("Greenfield") respectfully requests adding the following information to its request for review of the Administrator's Decision on Appeal issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC), dated March 11, 2011, which denied the above-cited Funding Request Numbers (FRNs) on the above-cited Form 471. (The original Request for Review/Waiver ("Original Request") was filed on April 14, 2011.)

One of the issues brought up in the Original Request was whether the maintenance contracts contained the product name, model number and location of the covered eligible internal connections components. USAC denied the cited FRNs because the maintenance contracts did not contain these specific items.

The requirement that maintenance contracts contain product names, model numbers and locations of eligible equipment seems to have been created entirely by USAC. The only place that the requirement is stated is in the Eligible Services List<sup>1</sup>. In reviewing the Third Report and Order (FCC 03-323), released December 23, 2003, which created the requirement that basic maintenance be the subject of a separate agreement, there is no such requirement. In fact, the Third Report and Order contains no suggested

<sup>1</sup> See Eligible Services List for Funding Year 2005, page 39

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language for basic maintenance agreements, let alone required language that could be the basis for denial or rescission of a funding commitment.

Following the Third Report and Order there have been no rules promulgated that spell out the requirement for such language in basic maintenance agreements or contracts. Similarly, there have been no additional Orders or decisions from the FCC spelling out such a requirement.

Since the requirement that a basic maintenance agreement must contain specific language is not based on an FCC Order or other element of law, it cannot be held out as a standard on which USAC can base denial or rescission of a funding commitment. This is an example of USAC creating requirements and imposing them on participants in the E-rate program without the benefit of legal authority or administrative procedure.

In the instant case, it was clear to both the district and the service providers that discounts on maintenance would be requested for eligible components only. Both contracts contain clauses to the effect that invoicing will be done "in accordance with funding guidelines" so it is clear that both service providers understood the requirement to separate out eligible and ineligible equipment.

We are confident that all the guidelines were met by the terms of our contracts, even if the specific language was not explicitly used. To rescind these commitments based on this trivial misalignment would be an inequitable and unjust punishment to the school district and service providers.

Finally, we acknowledge that there are other circumstances and reductions pertinent to these FRNs, as fully expressed in our Original Request and we defer to that document for the full argument on those. We hope that the instant document will be considered along with the Original Request, in reaching a decision on our request.

Respectfully submitted,



Dennis V. Franey

Assistant Superintendent of Business

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